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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,997	02/09/2001	Ken Kutaragi	SCEI 18.303	5883

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EXAMINER

SON, LINH L D

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 07/01/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/780,997

Applicant(s)

KUTARAGI ET AL.

Examiner

Linh LD Son

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5-7, and 10</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-5, 8-10, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al, hereinafter "Wiser", (US/6385596B1) in view of Lautenbacher (US 20030154168A1).
3. As per claims 1-3, Wiser discloses the "Secure Online Music Distribution System" invention, which includes a method of providing a content, characterized in that: when a content is transmitted to a user, an electronic water mark is embedded in said content (Col 7 lines 4-15) and at least information associated with the user, to whom said content is to be transmitted, is added to said content (Col 8 lines 43-56 and Col 9 lines 10-37); and when said content is executed, said information associated with the user who has received said content is checked at receiving ends, and the execution of said content is allowed if and only if the result of the checking indicates that said content is an authorized content (Col 19 lines 50-60). However, Wiser does not teach the checking method to verify the execution is allowable or not at the transmitting end. Nevertheless,

Lautenbacher teaches a method of access control the usage of the software and content remotely when the user executes the software (Para 0047-0052).

Therefore, it is obvious at the time of the invention was made for one of ordinary skill in the art to combine Wiser and Lautenbacher teaching to ensure a complete access control over the content and at the same provide a high level of protection to the content.

4. As per claim 4-5, 9-10, and 14-15, Wiser discloses a content providing system comprising: a content provider including a content server which stores plural kinds of digital contents (Col 6 lines 4-6) and also including a user database in which information associated with a user is registered (Col 11 lines 25-32); at least one user terminal (Col 6 lines 15-17); and a network for connecting said at least one user terminal to said content provider (Col 5 lines 44-45), wherein: said content provider includes a user database for registering, in advance, information associated with a user received from said at least one user terminal (In Col 11 lines 25-32, Wiser explicitly teach the user database.); when said content provider receives from a user terminal a request for providing a particular content, said content provider requests said user terminal to resend the information associated with said user and transmits the requested content combined with said information associated with said user after checking that said information associated with said user is consistent with the information registered in said user database (Col 16 lines 44-60, Col 17 lines 6-35, Col 18 lines 9-34,

and Col 18 line 60 to Col 19 line 43); when the content transmitted from said content provider is executed at said user terminal, said user terminal checks whether the information associated with said user included in the content is consistent with the information stored in the user terminal (Col 19 lines 50-60); Wiser teaches the execution allowance as the result of result of the checking performed at said user terminal. However, Wiser does not teach said content provider determines whether to transmit a content execution permission command to said user terminal after successfully check at the user terminal. Nevertheless, Lautenbacher teaches the steps of authorizing the execution of the software and contents remotely by transferring the information to the remote server for checking against the database (Para 0047-0051). Therefore it is obvious at the time of the invention was made for one of ordinary skill in the art to incorporate Wiser and Lautenbacher methods to double check the user access criteria before allowing to execute. Definitely, combining the methods would make the content protection more secure and the tracking of the content usage is much similar.

5. As per claims 8 and 13, see claim 4 rejection. Further Wiser includes encryption means for encrypting the information associated with a user (Col 9 lines 19-25)
6. Claims 6-7, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiser et al, hereinafter "Wiser", (US/6385596B1) in view of

Lautenbacher (US 20030154168A1) and Further in view of Floyd et al (US 20020161709A1).

7. As per claims 6 and 11, Wiser and Lautenbacher disclose a content providing system according to one of Claims 4, 5, 9, and 10, wherein said information associated with the user includes at least a user name, and a password, of said user (Col 9 lines lines 11-24). However, Wiser does not teach the information associated with the user includes the device ID uniquely assigned to device, of the user. Nevertheless, Floyd et al discloses the "Server-Side Commerce For Delivery-Then-Pay Content Delivery" invention, which includes a method of authorizing the access right information of the user prior allowing execution of the content. The information of the user includes: Hard Disk Id, a network Card Unique ID, and so on (Para 0036 and Para 0033). Therefore, it is obvious at the time of the invention was made for one of ordinary skill in the art to combine both teachings to further strengthening the content protection and have direct control execution access of the content at the particular device.
8. As per claims 7 and 12, Wiser and Lautenbacher disclose a content providing system according to one of Claim s 4, 5, 9, and 10, wherein: when the information associated with a user received from a user terminal is registered, in advance, in the user database of said content provider (See claim 4 rejection). However, Wiser does not teach the said content provider transmits to said user a

card on which a card ID is stored; and said information associated with the user includes at least a user name, a password, a device ID uniquely assigned to a device of said user, and said card ID. Nevertheless, Floyd et al does disclose the method of getting authorization for executing a content by using the information such as user id, password, a device ID, and the card ID (Para 0033). (See Claims 6 obviousness rejection) Further, Floyd et al explicitly teach the Card ID coming from the provider in order to authentication or check against the provider server data.

### Conclusion

9. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (703)-305-8914 or Fax to 703-746-9821.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (703)-305-4393. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703)-305-9600.

Linh LD Son  
Patent Examiner

*Asst G*  
*AU 2135*